

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

INCOME TAX APPLICATION No.80/2002.

The Commissioner of
Income-tax Mumbai. ..Applicant.

Vs.

M/s. Better Value Leasing and
Financing Pvt. Ltd. Respondent.

Mr Ashok Kotangale, Advocate for Applicant.

**CORAM:DR.S. RADHAKRISHNAN
AND V.C. DAGA,JJ.
DATED:2nd April, 2007.**

P.C.:-

1. Heard learned counsel for the applicant.

2. The following question of law has been
raised before the Tribunal:-

"Whether on the facts and in the
circumstances of the case the Tribunal
was right in law in directing to allow
investment allowance on the plant and
machinery leased out.?"

3. The learned counsel for the applicant
fairly accepts that the question raised in the
appeal is covered in favour of the assessee

and against the revenue in the case of **CIT vs.**
Shah Finance (Pvt) Ltd, reported in 199 ITR
409.

4. In view of the aforesaid matter, we are
not inclined to entertain the application.
The application is dismissed.

(V.C. DAGA,J.)

(DR.S. RADHAKRISHNAN,J.)